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Attorneys for Defendant  
United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

SAMSON TUG AND BARGE CO., INC., an Alaska Corporation	)	Civil No. A03-006 CV
Plaintiff/Appellant	)	IN ADMIRALTY
v.	)	
UNITED STATES OF AMERICA,	)	DECLARATION OF
acting by and through	)	JEANNE M. FRANKEN
the UNITED STATES DEPARTMENT of the	)	IN SUPPORT OF
NAVY MILITARY SEALIFT COMMAND,	)	<u>MOTIONS IN LIMINE</u>
and UNITED STATES DEPARTMENT OF	)	
THE ARMY MILITARY TRAFFIC	)	
MANAGEMENT COMMAND	)	
Defendants/Appellees	)	

I, Jeanne M. Franken, do hereby declare and affirm the following matters in support

1 of defendant's motions *in limine* regarding witnesses:

2 1. I am a Trial Attorney with the West Coast Office of the Torts Branch, Civil  
3 Division, United States Department of Justice, and one of the attorneys for defendant, United  
4 States of America, herein, and make this declaration based on information and belief.

5 2. I have knowledge of the matters asserted herein.

6 3. After being served with plaintiff Samson's untimely supplemental witness list  
7 on November 26, 2007, I reminded plaintiff's counsel that this attempt to supplement was  
8 extremely tardy; inquired about what the substance of the new witnesses' testimony would  
9 be, without a response; and advised that my intention was to move to exclude any witnesses  
10 who had not been properly disclosed.

11 4. Attached to the Motion as Exhibit "A" is a true and correct copy of the  
12 Fed.R.Civ.Pro. 30(b)(6) Notice I served on plaintiff requesting that knowledgeable witnesses  
13 be produced on certain defined subjects to speak on its behalf.

14 5. I convened that deposition. No one appeared on behalf of plaintiff at the  
15 deposition, and plaintiff did not present any responsive witnesses. Plaintiff had not filed for  
16 a protective order to prevent the depositions from going forward. Plaintiff did not seek to  
17 reschedule the depositions.

18 6. Attached to the Motion as Exhibit "B" is a true and correct copy of the  
19 transcript of the Fed.R.Civ.Pro. 30(b)(6) convened deposition proceedings.

20 7. Attached to the Motion as Exhibit "C" is a true and correct copy of the  
21 Curriculum Vitae of plaintiff's proposed damage expert, George Johnson, which was marked  
22 as an Exhibit at his deposition.

23 8. Attached to the Motion as Exhibit "D" is a true and correct copy of relevant  
24 portions of the two depositions taken of Mr. Johnson.  
25  
26  
27

1           9.       Attached to the Motion as Exhibit "E" is a true and correct copy of the last  
2 report, sans attachments, by Mr. Johnson, which was marked as an Exhibit at his deposition  
3 with attachments.

4           I hereby verify under penalty of perjury, and in accordance with 28 U.S.C. §1746, that  
5 the foregoing is true and correct.

6           Executed this 31st day of March, 2008.

7  
8                               /s/ Jeanne M. Franken  
                              JEANNE M. FRANKEN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 31, 2008, a copy of the foregoing  
DECLARATION OF JEANNE M. FRANKEN IN SUPPORT OF MOTION IN  
LIMINE, was served electronically on:

Richard D. Gluck, Esq.  
Garvey Schubert Barer

William G. Royce, Esq.  
Law Office of William G. Royce

Attorneys for Plaintiff/Appellant  
Samson Tug and Barge Company, Inc.

s/Jeanne M. Franken

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JEANNE M. FRANKEN